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APPLICATION NO.	FILING DATE	FIRST-NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,595	09/21/2001	Bob M. Dobbins	801.0004	5427
27997	7590	12/01/2004	EXAMINER	
PRIEST & GOLDSTEIN PLLC 5015 SOUTHPARK DRIVE SUITE 230 DURHAM, NC 27713-7736			CHILCOT, RICHARD E	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/960,595	DOBBINS, BOB M.	
	<b>Examiner</b> Richard E. Chilcot, Jr.	<b>Art Unit</b> 3627	<i>My</i> )

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 20 September 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 26-30,109-116,119 and 120 is/are pending in the application.  
4a) Of the above claim(s) 117 and 118 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 26-30,109-116,119 and 120 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_\_  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_ 5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 26-30, 109, 111, 112, 115 and 116 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks in view of Miller et al. and Reger.

Brooks et al. disclose a plurality of drop safes (24). The drop safes include bill acceptors (44) and controllers (36), which are connected in a local area network by data interfaces (42B). While Brooks et al. teach essentially all the elements of the claimed invention, Brooks et al. fails to disclose a wireless network and updateable firmware. On the other hand, Miller et al. disclose a plurality of safes (40) that are connected by a wireless network (21) that allows updating of prices (col. 11, lines 22-25). Accordingly, it would have been obvious for one having ordinary skill in the art at the time of the invention to substitute the wireless network of Miller et al. for the network of Brooks et al. in light of the disclosure found in col. 7, lines 10-15 of Brooks et al. which states that the data interface (42B) can be any suitable communication link.

With respect to the firmware being updateable, Reger is submitted for such a teaching. In particular, Reger teaches a vending machine (40) having a coin acceptor (42), a bill acceptor (44) and a card reader (46) and an optically updated embedded system (10) including the ROM housing the bill acceptor algorithms. Accordingly, to employ an updateable firmware as taught by Reger in the drop safe system of Brooks would have been obvious for one having ordinary skill at the time of

the invention. The motivation for such a change would have been to provide a reliable, quick and cost effective method for updating program memory in an embedded system without the need for on site technical expertise.

Claims 110, 113 and 114 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks in view of Miller et al. and Reger as applied to claim 26 above. Further, merely calling for the particular information in the data transmitted to the safes is only a recitation of intended use. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Claims 119 and 120 rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks in view of Miller et al. and Reger as applied to claim 26 above, and further in view of Green et al.

Brooks et al., as modified by Miller et al. and Reger, disclose all the features of the applicant's claimed invention except the wide area network. On the other hand Green et al. disclose a computer 30 in Fig. 23 that is connected in a local area network with devices 34 and a wide area network 48 to other computers 44 and 46, see col. 9, lines 54-63. The devices 34 of Green et al. may include a deposit accepting machine, see col. 9, lines 1-3. It would have been obvious to one of ordinary skill in the art in view

of the showing and teaching of Green et al to also connect the network of Brooks to a wide area network.

### ***Response to Arguments***

Applicant's arguments with respect to claims 26-30, 109-116, 119 and 120 have been considered but are moot in view of the new ground(s) of rejection.

This is a RCE of applicant's earlier Application No. 09/960,595. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard E. Chilcot, Jr. whose telephone number is 703-305-4716. The examiner can normally be reached on 5/4/9 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard E. Chilcot, Jr.  
Primary Examiner  
Art Unit 3627